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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,122	06/22/2000	ERNST ACH	4781-42PUS	8151

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KLAUS P STOFFEL
COHEN PONTANI LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER

MCALLISTER, STEVEN B

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 07/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/582,122	Applicant(s) Ach
Examiner Steven McAllister	Art Unit 3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Jun 18, 2002

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

4) Claim(s) 8-20 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 8-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) Other: _____

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/18/02 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 8, 10, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshikawa (JP 4-50297).

Yoshikawa shows first parallel guides 15c comprising planar vertical flat beams which engage with the elevator car; and second and separate parallel guides 15d comprising a second set of vertical flat beams which engage with the counterweight; the sets of parallel guides being

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in parallel vertical planes which are separated and spaced apart by a element 15b; a cage 5 movable on the first guides (Figs. 2, 3); a counterweight 9 movable on the second guides; an engine mount 21 fastened on top of the first and second guides (Fig. 3); and a drive on the mount.

As to claim 18, Yoshikawa shows upper and lower guide shoes 16,17 extending beyond the cage (see Fig. 3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa in view of Lane (5845745).

Yoshikawa shows all elements of the claim except a cable routed to an under side of the cage. Lane shows a cable connected to a connecting point 60 at the bottom of the elevator cage (see Fig. 1). It would have been obvious to one of ordinary skill in the art to modify the apparatus of Yoshikawa by routing the cable to the bottom of the elevator in order to minimize any angle error in the cable due to the longer length between the motor and the tie point.

As to claim 12, it is noted that Lane shows means for connecting the engine mount to the guides in a vibration-damped manner comprising damping material (35, 44 of Lane).

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As to claim 15, it is noted that Olsen in view of Lane shows a fastening bracket (32 of Lane) that forms a butt joint connection with the guide rails of the cage.

6. Claims 9, 12-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa in view of Loiodice.

Yoshikawa shows all elements of the claim except the guides extending beyond the engine mount. Loiodice shows that the guide rails extend beyond engine mount 62 (see Fig. 6 and col. 4, lines 28-34). It would have been obvious to one of ordinary skill in the art to modify the apparatus of Yoshikawa by extending the guides as taught by Loiodice in order to allow securing of the rails at their ends.

As to claim 12, Yoshikawa in view of Loiodice show all elements of the claim except mounting in a vibration damping manner. However, it is old and well known in the art to mount engine brackets with vibration damping material. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Yoshikawa by mounting the motor bracket in a vibration-damping manner in order to prevent vibrations from being transmitted to the car and the building.

As to claim 13, it is noted that Loiodice shows end plates 64 for fastening to the guide rails 60 and an engine bearer 62. It does not specifically disclose the connection between the bearer and the end plates. However, it is old and well known in the art to connect such pieces by welding, a non-detachable joining method. It would have been obvious to one of ordinary skill in

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the art to further modify the apparatus of Yoshikawa by welding the joints in order to provide a strong and rigid joining method.

As to claims 14 and 15, it is noted that Loiodice shows that end plates form a butt joint with the guide rails of the cage (see Fig. 6 and col. 4, lines 28-34).

As to claims 16 and 17, it is noted that Yoshikawa in view of Loiodice shows guides with mutually facing inner sides and mutually opposing outer sides, with the engine mount being mounted on the mutually opposed outer sides via the end plates.

As to claim 19, it is noted that Yoshikawa shows upper and lower guide shoes 16, 17 spaced apart to allow at least one of the counter weight and the drive engine to pass the elevator car.

Response to Arguments

7. Applicant's arguments filed 1/18/02 have been fully considered but they are not persuasive. .

Applicant argues that the amended claims recite *separate* first and second vertical guides and that Yoshikawa does not. The examiner respectfully disagrees. As is shown and described in the English translation of Yoshikawa, the first guide rails are part 15c, the planar legs of the channel beams 15 closest to the elevator car, and the second guide rails are part 15d, the planar legs of the channel beams 15 closest to the counterweight. As such, the two sets of guide rails are separate, spaced apart by the webs 15a, 15b of the beams 15. "Separate" is defined in

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Merriam Webster's Collegiate Dictionary, 10th Ed. as "set or kept apart". In this case, the examiner believes it is fair to say that the first and second guide rails are set or kept apart.

Conclusion

8. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052.



Steven B. McAllister



ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

July 14, 2002